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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,137

03/03/2005

Pierrick Girard

3952-75

2456

23117

7590

07/29/2008

NIXON & VANDERHYE, PC

901 NORTH GLEBE ROAD, 11TH FLOOR

ARLINGTON, VA 22203

EXAMINER

PALO, FRANCIS T

ART UNIT

PAPER NUMBER

3644

MAIL DATE

DELIVERY MODE

07/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/524,137

Applicant(s)

GIRARD ET AL.

Examiner

Francis T. Palo

Art Unit

3644

All participants (applicant, applicant's representative, PTO personnel):

(1) Francis T. Palo (Examiner).

(3) _____.

(2) Mr. Brian H. Davidson (Representative).

(4) _____.

Date of Interview: 24 July 2008.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal (copy given to: 1) ☐ applicant 2) ☐ applicant's representative

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: N/A.

Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Francis T. Palo/

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135, (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: In the concluding paragraph on page-4 of the final office action mailed 5/30/08 the examiner stated, "it is respectfully submitted that the arguments submitted (by applicant's representative) are not convincing and that the rejections made in the prior office action are maintained in light of the examiner's comments herein, and that in maintaining those claim rejections, said rejections are maintained ("incorporated" was intended) herein by reference only, as they are a matter of record." Further, the examiner did not specifically disclose that the claim amendments filed 12/10/07 serve to overcome the 35 USC 112 second paragraph rejection (lexicographer concern) and request for a drawing to better facilitate the unclear limitation recited in claim-7 ("fixing points"); the amended claim set was entered however and given consideration.

The examiner is appreciative of the comments made during the conversation of 7/24/08 as to the abbreviated final office action, wherein the examiner did not clearly communicate that the prior art rejection of claims 1-10, 21-23 and 29 as submitted in the non-final office action was being maintained unchanged and carried forward to the final office action as being applicable to the amended claim set; and the examiner admits that in this instance a cut and paste of the non-final office action claim rejections into the final office action, would have precluded any uncertainty as to what rejections were being made in the final office action.

For the record, the 35 USC 112 second paragraph rejections made in the non-final office action mailed 8/9/07 and the request for a drawing to facilitate an understanding of the claim-7 recitation ("fixing points") is vacated in consideration of the amended claim language submitted 12/10/07.

In consideration of the Remarks filed 12/10/07 to the non-final mailed 8/9/07, and the amended claim language therein responsive to the said 112 rejection and drawing objection; the examiner considers the prior art rejections made in the non-final action based on the teachings of Weber '104 regarding claims 1-10, 21-23 and 29 to still be applicable as originally presented, to the currently amended claim set. That is, the phrase change of "fibrous support" to "fibrous web" as suggested by the examiner, and the resultant deletion of "fixing points" previously recited in claim-7, is not considered to substantively affect the scope of the claims such that a new grounds of rejection or a rewrite of the original claim rejections is necessitated.

The examiner again appreciates this opportunity to improve upon his communication skills and quality of submissions and is apologetic for any distress or delay caused by his response to the representative's Remarks and amendments.

In conclusion, the examiner believes he has telephonically addressed the concerns of the applicant's representative, in that as no claims were cancelled or added by the REMARKS filed 12/10/07, and in consideration that applicant's arguments were not found to be persuasive, that the examiner has relied upon the claim rejections originally presented in the non-final action as being applicable to the amended claim set filed 12/10/07; and that those original claim rejections should have been repeated in the final office action instead of merely incorporating them by reference only. .